Clauses 1 and 2

The question that clauses 1 and 2 stand part of the Bill was put and carried.

Clauses 1 and 2 were added to the Bill.

Clause 3

Sri. D. Gnanasigamoni: Sir, I move that in sub-clause (1) of Clause 3, for the word 'repeal' the word 'withdrawn' be substituted.

As I said on a former occasion, in respect of temporary Acts the word 'withdrawn' is used. The word 'repeal' is used only in respect of permanent Acts. That position seems to be challenged. The word used in respect of ordinances promulgated by the Governors or by the President of the Indian Parliament as well as in respect of the old Government of India Act is 'withdrawn'. In Article 123 2 (*b*) of the Constitution it is stated like this:

"May, be withdrawn at any time by the President."

If either the Ordinance expires by lapse of time or is terminated, the word used is 'withdrawn.' In Article 373, explanation (4) that is, in respect of ordinances issued under the Government of India Act of 1935 in the Constitution the word used is 'withdrawn'. It is stated like this:—

"An Ordinance promulgated by the Governor of a Province.....unless withdrawn by the Governor....."

In Article 213 (2) b also, it says in respect of an Ordinance terminated 'may be withdrawn' at any time by the Governor'.

So that, what I say is that even in the Constitution whenever an Ordinance terminates, the word used is 'withdrawn'. So, I move that the word 'withdrawn' be substituted for the word 'repeal'.

Sri. A. J. John: I oppose the amendment. Generally Ordinances are issued either by the Governor or the Rajpramukh. The person who issues the Ordinance will have to withdraw it. If he does so, the word 'withdrawn' may be used. But here it is in respect of a superior body and so the word 'repealed' is used, as a superior body can only repeal an Ordinance.

Sri. D. Gnanasigmoni: Who else could issue an Ordinance?

Sri. A. J. John: Only the Rajpramukh and the Governor.

The amendment was put and lost.

The question that Clause 3 stand part of the Bill was put and carried.

Clause 3 was added to the Bill.

The question that the Preamble stand part of the Bill was put and carried.

The Preamble was added to the Bill.

The question that the Title stand part of the Bill was put and carried.

The Title was added to the Bill.

Sri. A. J. John: Sir, I move that the Bill be passed.

The motion was put and carried.

The Bill was passed.

Mr. Speaker: We may be able to take up the Hindu Religious Institutions Bill as reported by the Select Committee only at 2 o'clock after the interval. Till then we shall proceed with the Prohibition Bill and try to consider it to the extent it is possible till 1.

Travancore-Cochin Prohibition Bill

Sri. N. Kunjuraman: I beg to submit the report of the Select Committee on the Prohibition Bill and move that the Bill as revised by the Select Committee be taken up for consideration.

Sri. A. J. John: I second it.

Sri. Ponnara G. Sreedhar: In this Bill also, I have certain amendments, which I had not given notice of thinking that the Bill would not come up for to-day.

Mr. Speaker: They may be moved when the clause to which the amendment relate are taken up.

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Clause 1.

Sri. Ponnara G. Sreedhar: I move that in Clause 1, Sub-clause (3) (a) the figure '11' may be deleted. ന്യൂസ് പേപ്പറുകളിൽ അഡ്വർടൈസ്മെൻറുകൊടി പാടില്ലെന്നാണ് ഈ വകുപ്പിൽ പറഞ്ഞിരിക്കുന്നത്. അതെങ്കിലും അബദ്ധത്തിൽ കള്ളുകുടിക്കുന്നതിനെപ്പറ്റി ഒരു പരസ്യം പ്രസിദ്ധപ്പെടുത്തിയാൽ സെക്ഷൻ 11 അനുസരിച്ച് കുറ്റകരമായിത്തീരും. അതുകൊണ്ട് അത് എടുത്തുകളയണമെന്നാണ് ഞാൻ പറയുന്നത്. ഒന്നാമത്തെ ക്ലാസിൽ 7-ം 11-ം സെക്ഷൻസ് മാത്രം മതിയെന്നാണ് ഞാൻ ഭേദഗതി കൊണ്ടുവരുന്നത്. ഇതേമാതിരിയുള്ള ഒരു സെക്ഷൻ സംബന്ധിച്ച് "കുറ്റം" എന്ന പത്രം പ്രസിദ്ധപ്പെടുത്തിയ ഒരു വാർത്തയെപ്പറ്റി ഗവൺമെണ്ടു നടപടി നടത്തുകയും അത് ഹൈക്കോടതിവരെ പോവുകയുംചെയ്തു. ഒടുവിൽ ആ വാർത്ത കുറ്റകരമല്ലെന്നും നേരെമറിച്ച് ഈ ആക്ടിലെ വകുപ്പാണ് കുറ്റകരമെന്നും കോടതിയിൽനിന്നും ജഡ്ജിമെൻറ് ഉണ്ടായി. ആ സ്ഥിതിക്ക് തത്പവിരുദ്ധമായ ഈ സെക്ഷൻ പത്രലോകത്തിനു ഒരു ബാധയായിരിക്കുമെന്നുള്ളതുകൊണ്ട് എടുത്തുകളയേണ്ടതാണ്. കൂടാതെ ഇന്നലെ ഇവിടെ വായിച്ച പത്രക്കാരെപ്പോലെയുള്ളവരെ പിടികൂടാൻ ഇതിനേക്കാൾ പറ്റിയ മാർഗ്ഗം വേറെയില്ല. എന്തെങ്കിലും ഒരു ശാസ്ത്രജ്ഞൻ മദ്യം ഉപയോഗാക്കുന്നതിനെ അനുകൂലിച്ചുകൊണ്ട് എഴുതിയിട്ടുള്ള ഒരു ലേഖനത്തെ ഉദ്ധരിച്ചാൽമതി പത്രക്കാരെ പിടികൂടുവാൻ. അതുകൊണ്ട് ഈ സെക്ഷൻ എടുത്തുകളയണമെന്ന് ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു.

ശ്രീ. എൻ. കുഞ്ഞുരാമൻ: ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. ഇപ്രകാരം ഒരു പ്രൊവിസൊ ഇതിൽ ചേർത്തിട്ടുള്ളത് പ്രൊഹിബിഷൻ ഏരിയായിൽ പ്രൊഹിബിഷൻ സ്കീമിനെ പരാജയപ്പെടുത്തത്തക്കവിധത്തിലുള്ള പ്രചരണപരിപാടികളെ നിരോധിക്കുന്നതിനുവേണ്ടിയാണ്. അതു ഈ ആക്ടിന്റെ വിജയത്തിനു അത്യാവശ്യമാണ്. ശ്രീ. ശ്രീധർ പറയുന്നതുപോലെയുള്ള ഒരു വിഷമം ഇതുകൊണ്ടു ഉണ്ടാകുന്നതല്ല. കാരണം അതിനുള്ള എക്സപ്ഷൻസ് (exceptions) കൊടുത്തിട്ടുണ്ട്. ശ്രീ. ശ്രീധർ പറയുന്നതുപോലെയുള്ള സ്വാതന്ത്ര്യങ്ങളെ പരിരക്ഷിക്കുന്നതിനു ഈ ക്ലാസ് ബാധകമാകയില്ല. അതിനാൽ ഈ ഭേദഗതിയെ ഞാൻ എതിർക്കുന്നു.

The amendment was put and lost.

Sri. N. Kunjuraman: I move that: "In the title and Sub-clause (1) of Clause 1, for the words 'United State of Travancore and Cochin', substitute the words "Travancore Cochin".

Sri. A. J. John: I second it.

The amendment was put and carried.

Sri. N. Kunjuraman: I move that: "In the preamble and Sub-clause (2) and (3) of Clause 1, for the words 'United State' wherever they occur, the words 'State of Travancore-Cochin' be substituted.

Sri. A. J. John: I second it.

The amendment was put and carried.

Sri. N. Kunjuraman: I move for the words 'United State' wherever they occur in the Bill, the word 'State' be substituted.

Sri. A. J. John: I second it.

The amendment was put and carried.

Sri. N. Kunjuraman: I move for the words 'Peishkar' and 'Division' wherever they occur in the Bill, substitute the words 'Collector' and 'District' respectively.

Sri. A. J. John: I second it.

The amendment was put and carried.

The question that Clauses 1, 2 and 3 stand part of the Bill was put and carried.

Clauses 1 to 3 were added to the Bill

Clause 4

Sri. N. Kunjuraman: In Clause 4, for the words 'the enactments mentioned in the first Schedule' substitute the words 'this Act'.

Sri A. J. John: I second it.

The amendment was put and carried.

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The question that Clause 4 stand part of the Bill was put and carried.

Clause 4 was added to the Bill.

The question that clauses 5 and 6 stand part of the Bill was put and carried.

Clauses 5 and 6 were added to the Bill.

Clause 7

Sri. N. Kunjuraman: I move : After Sub-clause (18) of clause 7, insert the following sub-clause and renumber the subsequent sub-clauses :—

"(19) 'State' means the State of Travancore-Cochin".

Sri. A. J. John: I second it.

The amendment was put and carried

Sri. Ponnara G. Sreedhar: I move the following amendments—

(*i*) Delete Sub-clause (7) (*iii*) of Clause 7.

(*iii*) in Sub-clause (8) of Clause 7, for the words 'all liquid consisting of or containing alcohol' the word 'arrack' may be substituted.

(*iii*) In Sub-clause (10) the words 'fermented, spirituous or intoxicating' be omitted.

The word 'liquor' is sufficient and there is no necessity for the additional words in sub-clause (10). It would give rise to mischief.

As for the second amendment, I think it is sufficient if we substitute the word 'arrack' there. 'All liquids consisting of or containing alcohol' is a very wide term and the Courts will have to examine whether any liquid contains alcohol or not. We can be more specific.

I would like the Hon'ble Minister to accept my amendment.

ശ്രീ. എൻ. കുഞ്ഞുരാമൻ: ഞാൻ ഈ ഭേദഗതികളെ എതിർക്കുന്നു. 'ലിക്കർ' എന്നുള്ളതിനു 'ആരക്ക്' എന്നുമാത്രം ചേർത്താൽ പോരാ. ആരക്കിനു ഒരു പ്രത്യേക വിവക്ഷ നാം കൊടുത്തിട്ടുണ്ട്. ആർക്കഹോൾകൊണ്ടു് മറ്റു പലതരം ലിക്കറിനേയും ഉദ്ദേശിക്കുന്നുണ്ടു്. ഈ അടുത്തകാലത്തു അതിൽ ഉൾപ്പെട്ട ചിലതെല്ലാം നാം ചെയ്യേണ്ടതായും വന്നിട്ടുണ്ടു് ഇനിയും പലതും നാം ചെയ്യേണ്ടിയുംവരും. അതുകൊണ്ടു് 'ഇന്നി ലിക്കർ' എന്ന പദം പ്രയോഗത്തിൽ കൊണ്ടുവരുന്നതിനു വളരെ വിഷമമുണ്ടാകും. മറ്റു പല രാജ്യങ്ങളിലും ഈ വിവക്ഷതന്നെയാണു് സ്വീകരിച്ചിട്ടുള്ളതു്. അതിനാൽ ഞാൻ ഈ ഭേദഗതികളെ എതിർക്കുന്നു.

ശ്രീ. പൊന്നറ ജി. ശ്രീധർ. പല സ്ഥലത്തും അങ്ങിനെ വിഷമം ഉണ്ടായതു ഇങ്ങിനെയുള്ള ഡഫനിഷൻ കൊണ്ടുവന്നതുകൊണ്ടാണു്.

ശ്രീ. എൻ. കുഞ്ഞുരാമൻ: ഈ അടുത്തസമയംവരെ ആവശ്യമുള്ള ഭേദഗതികളും വരുത്തിക്കൊണ്ടിരിക്കയായിരുന്നു. ഈ ഭേദഗതികളും ആവശ്യമില്ലാത്തതുകൊണ്ടു് ഞാൻ അവയെ എതിർക്കുന്നു. നിയമസഭയിലെ എല്ലാ അംഗങ്ങൾക്കും ഇതിൽ പങ്കെടുക്കാവുന്നതാണു്.

The amendments were put and lost.

The question that clause 7 stand part of the Bill was put and carried.

Clause 7 was added to the Bill.

Clauses 8 to 65

Sri. Ponnara G. Sreedhar: എനിക്കു ധാരാളം ഭേദഗതികളും സമർപ്പിക്കുവാനുണ്ടു്.....

Mr. Speaker: The list is before me. In regard to the clauses for which there are amendments, I am calling the Hon'ble member concerned to move his amendment if he so desires. Does Mr. Sreedhar move any amendment to any of these clauses ? The circumstance that no notice has been given for the amendments need not stand in his way.

Sri. Ponnara G. Sreedhar: Personally, I do not think I will be able to impress the Government Benches at present. So, there is no necessity.

The question that clauses 8 to 65 stand part of the Bill was put and carried.

Clauses 8 to 65 were added to the Bill.

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Schedule I

The question that schedule No. I stand part of the Bill was put and carried.

Schedule I was added to the Bill.

Schedule II

Sri. N. Kunjuraman: I move: "In schedule II, add the following entries:

"1950 IV. The Travancore Prohibition (Temporary Amendment) Ordinance do."

ഇതിനശേഷം ഒരു ടെമ്പററി അമെൻഡ്മെന്റ് ഉണ്ടായിട്ടുണ്ട്. തിരുതനന്തപുരം എക്സൈസിലെ പ്രൊഹിബിഷനുള്ള വസ്തുതിനുശേഷം, Special exemption for storage of ganja, etc. ഇതിനുശേഷം ഒരു അമെൻഡ്മെന്റ് കൊണ്ടുവന്നിട്ടുണ്ട്. അതും ഇതോടുകൂടി റിപ്പീൽ ചെയ്യുന്നതാണ്.

Sri. A. J. John: I second the amendment.

The Amendment was put and carried.

The question that Schedule No. II as amended, stand part of the Bill was put and carried.

Schedule No. II was added to the Bill.

The question that the preamble of the Bill, as amended, stand part of the Bill was put and carried.

The preamble, as amended, was added to the Bill.

The question that the title of the Bill, as amended, stand part of the Bill was put and carried.

The title was added to the Bill.

Sri. N. Kunjuraman: I move that the Bill as amended be passed.

Sri. A. J. John: I second the motion.

The motion was put and carried.

The Bill was passed.

Mr. Speaker: The next Bill, namely, the Prisons Bill, has been considered up to clause 29. We have to begin with clause 30. I think it is better that we rise now. The House will now adjourn and meet again at 2 p.m.

The House rose for lunch at 12-45 p.m. and reassembled at 2 p.m. with Mr. Speaker in the Chair.

The Hindu Religious Institutions Bill

Mr. Speaker: The first amendment is that of Mr. Mannar Gopalan Nayar to delete Clause 1.

Sri. K. Sivarama Pillai: There is a previous motion standing in the name of Mr. Sree V. Das for recommittal of the Bill.

Mr. Speaker: Yes, Mr. Sree V. Das.

Sri. T. K. Narayana Pillai: Sir, I raise a preliminary point: The motion of Mr. Das for recommittal is out of order as it contravenes the provisions of Standing Order No. 37, which says,

"After the presentation of the final report of a Select Committee on a Bill, the member in charge may move—

(a) that the Bill as reported by the Select Committee be taken into consideration: Provided that any member of the Assembly may object to its being so taken into consideration.....or

(b) that the Bill as reported by the Select Committee be recommitted, etc.".

Sir, I presented the Report of the Select Committee and also made a motion that the Bill as reported by the Select Committee be taken into consideration. That motion was carried yesterday and the further consideration of the Select Committee Report was adjourned to today, and the amendments are before the House. So that if a motion for recommittal was to be moved it ought to have been moved yesterday when the Select Committee Report was presented for consideration. But that amendment was not moved yesterday, and so this motion according to the provisions of Standing Order 27 is out of order.

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